

DEPARTMENT OF BENEFIT PAYMENTS

44 P Street
Sacramento, California 95814
Telephone: (916) 445-2077



10-75

ALL-COUNTY LETTER NO. 75-230

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: EFFECT OF A RECIPIENT'S REFUSAL TO
MAKE AN ASSIGNMENT OF SUPPORT RIGHTS

REFERENCE:

My October 1, 1975 telegram concerning the assignment of support rights under AB 2326 did not prescribe the kind of notice which should be given to recipients who refuse to make an assignment, or advise of the effect of a fair hearing request on the recipient's grant. This letter is designed to clarify that omission as to AFDC recipients who returned their October 1, 1975 warrants in order to avoid assignment of support rights.

Where a recipient returned his or her October 1, 1975 AFDC warrant in order to avoid assignment, the county should have issued a Notice of Action form ABCD 239A (Aid Pending), in accordance with MPP § 22-022.1, allowing ten days notice of the effective date of the reduction. If a recipient requested a fair hearing during this ten day period, his or her grant should have been continued at the former level pending a fair hearing, as provided in MPP § 22-022.4. Those counties which did not follow this procedure must take corrective action to ensure that affected recipients have proper notice and an opportunity to make a timely request for a fair hearing to avoid a reduction in their grants. This corrective action must include sending advance notice to any recipient who returned his or her October 1, 1975 warrant and has not yet received a written notice. Such recipients should also receive a refund of the amounts by which their grants were reduced prior to the effective date of the notice.

The foregoing instructions should be followed even if the recipient signed a waiver of advance notice. Arguably, such a waiver under these circumstances is not voluntary and does not effectively dispense with the necessity of advance notice. Moreover, if a

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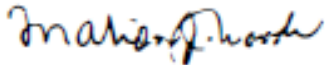
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recipient returned his or her October 1, 1975 warrant to avoid assignment, payment of aid pending or of retroactive aid pursuant to these instructions will not operate as an assignment of support rights.

These instructions are designed to ensure that recipients receive all funds which they would have received if adequate notice had been provided to them at the time they returned their October 1, 1975 warrants. Accordingly, any necessary refunds to bring about this result should be made as soon as possible.

If you have any questions concerning these instructions, you should contact AFDC Program Operations Bureau at (916) 445-4458.

Sincerely,



MARION J. WOODS
Director

Attachment

cc: CWDA